

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SCOTT TURNAGE, CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON, ISSACCA
POWELL, KEITH BURGESS, TRAVIS BOYD,
TERRENCE DRAIN and KIMBERLY ALLEN
on behalf of themselves and all similarly situated persons,

Plaintiffs,

v.

BILL OLDHAM, in his individual capacity as former
Sheriff of Shelby County, Tennessee; FLOYD BONNER,
JR., in his official capacity as Sheriff of Shelby County,
Tennessee; ROBERT MOORE, in his individual capacity
as former Jail Director of Shelby County, Tennessee;
KIRK FIELDS, in his official capacity as the Jail Director
of Shelby County, Tennessee; CHARLENE MCGHEE, in
her individual capacity as former Assistant Chief of Jail
Security of Shelby County, Tennessee; REGINALD
HUBBARD, in his official capacity as Assistant Chief of
Jail Security of Shelby County, Tennessee; DEBRA
HAMMONS, in her individual capacity as former Assistant
Chief of Jail Programs; TIFFANY WARD in her official
capacity as the Assistant Chief of Jail Programs of Shelby
County, Tennessee; SHELBY COUNTY, TENNESSEE,
a Tennessee municipality; TYLER TECHNOLOGIES,
INC., a foreign corporation; GLOBAL TEL*LINK
CORPORATION, a foreign corporation; SOFTWARE
AG USA, INC., a foreign corporation; SIERRA-CEDAR,
INC., a foreign corporation; SIERRA SYSTEMS GROUP,
INC., a foreign corporation, and TETRUS CORP, a foreign
Corporation,

Defendants.

Civil Action No. 2:16-cv-02907-
SHM-tmp

Jury Demanded

**DEFENDANTS' MOTION AND MEMORANDUM IN SUPPORT REQUESTING
APPROVAL OF PROPOSED THIRD AMENDED SCHEDULING ORDER**

COME NOW all Defendants (collectively, "Defendants") and submit their Motion and

Memorandum in Support Requesting Approval of the Proposed Third Amended Scheduling Order. The Defendants respectfully request that the Court amend the existing Scheduling Order (Doc. 244), by extending the deadlines stated therein for completion of class discovery and the deadlines for filing motions for class certification and related responses, replies and sur-replies by one hundred and ten (110) days, which includes an early mediation deadline of July 2, 2020, all as stated in the Defendants' proposed Third Amended Scheduling Order attached as Exhibit A. In support of this Motion and Memorandum, the Defendants respectfully show and state as follows:

1. This matter is a possible class action. Plaintiffs filed their Fifth Amended Class Action Complaint on February 26, 2019, adding three new defendants to this action – Global Tel*Link Corporation, Sierra-Cedar, Inc. and Software AG USA, Inc. In light of the addition of these three new Defendants, the Parties previously moved to amend the Scheduling Order (Doc. 184), which the Court granted. (Doc. 186)

2. On May 1, 2019, Plaintiffs filed a Sixth Amended Complaint which added a new Defendant, Sierra Systems, Inc. Thereafter on June 19, 2019 Plaintiffs filed a Seventh Amended Complaint to add another new Defendant, Tetras Corp. On July 12, 2019, Sierra Systems Group filed an Answer. On August 6, 2019, Tetras filed an Answer.

3. The Plaintiffs and Defendants have previously agreed to bifurcate class certification from merits discovery, with class discovery and class certification briefing to occur first. The current scheduling order (Doc. 244) was entered by the Court on September 6, 2019. During this time there have been ongoing discovery disputes between Plaintiffs and Shelby County. After multiple hearings on these discovery disputes, Magistrate Judge Tu M. Pham entered an order on August 26, 2019 (Doc. 239), governing Shelby County's production of documents requested by

Plaintiffs, which involved over one hundred thousand e-mails and attachments to or from numerous Shelby County employees.

4. The Defendants would show that additional class discovery after the review of Shelby County's document production will need to be taken, depositions of certain Parties, and potentially other discovery, including but not limited to expert discovery if any experts pertaining to class certification are disclosed by Plaintiffs and/or Defendants.

5. The Plaintiffs and Defendants previously agreed that this case should be mediated on or before March 3, 2020. Due to the number of parties and their representatives, scheduling issues, discovery disputes and additional Defendants, Plaintiffs and Defendants were unable to mediate by tomorrow. Based on the foregoing, the Defendants respectfully submit that the existing deadlines for completing class discovery needs to be extended 110 days.

6. Extending the class discovery deadlines and the deadlines for filing class certification motions, responses, replies and sur-replies, will not unreasonably delay this matter as no trial date has been set in this case.

7. The Defendants submitted the following dates as new deadlines:

- a) The Plaintiffs and Defendants would mediate this case on or before July 2, 2020.
- b) Plaintiffs' deadline for disclosing expert information pertaining to class certification pursuant to Fed. R. Civ. P. 26(a) shall be July 10, 2020.
- c) Defendants' deadline for disclosing expert information pertaining to class certification pursuant to Fed. R. Civ. P. 26(a) shall be August 10, 2020.
- d) All discovery related to Class Certification, including expert-related discovery, shall conclude by September 18, 2020.

- e) Plaintiffs shall file motions for class certification by October 19, 2020.
- f) Defendants' responses to plaintiffs' motions for class certification shall be filed by November 20, 2020.
- g) Plaintiffs' replies to such responses shall be due December 7, 2020, and any sur-replies filed by Defendants shall be due December 21, 2020.

After the Court has ruled on class certification, another scheduling conference will be held to set additional dates for which merits discovery can be conducted.

8. Rule 6(b) of the Federal Rules of Civil Procedure states that "when an act must be done within a specific time, the court may, for good cause, extend the time" Fed. R. Civ. P. 6(b)(1). The Defendants respectfully submit that the foregoing stated facts constitute "good cause" for amending the existing scheduling order in this case pursuant to Fed. R. Civ. P. 6(b)(1) and pursuant to the provisions of the Court's existing Scheduling Order (Doc. 244).

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully request that the Court approved the proposed Third Amended Scheduling Order and its dates as stated above and in the attached proposed Third Amended Scheduling Order.

Respectfully submitted,

/s/ Meghan M. Cox

Robert E. Craddock, Jr. (# 5826)

Odell Horton, Jr. (# 12426)

Byron Brown (# 23529)

Meghan Cox (# 33028)

Wyatt Tarrant & Combs LLP

6070 Poplar, Suite 300

Memphis, TN 38119

(901) 537-1000

rcraddock@wyattfirm.com

ohorton@wyattfirm.com

bbrown@wyattfirm.com

mcox@wyattfirm.com

AND

E. Lee Whitwell (# 33622)
Shelby County Attorney's Office
160 North Main Street, Suite 950
Memphis, TN 38103
(901) 222-2100
lee.whitwell@shelbycountyttn.gov
Counsel for Shelby County Defendants

CERTIFICATE OF CONSULTATION

On February 12, 2020, I sent Frank Watson, counsel for Plaintiffs, an e-mail with a draft proposed Scheduling Order. On February 13, 2020, Mr. Watson stated he rejected the proposed dates. Counsel were unable to agree on the dates in the Proposed Third Amended Scheduling Order.

/s/ Meghan M. Cox

CERTIFICATE OF SERVICE

The undersigned certifies that on March 2, 2020, a true and correct copy of the foregoing has been served upon the following counsel, via the Court's ECF filing system:

Michael G. McLaren
William E. Cochran, Jr.
Brice M. Timmons
Black McLaren Jones Ryland & Griffie PC
530 Oak Court Drive, Suite 360
Memphis, TN 38117
MMcLaren@blackmclaw.com
wcochran@blackmclaw.com
btimmons@blackmclaw.com

Frank L. Watson
William F. Burns
Watson Burns, PLLC
253 Adams Avenue
Memphis, TN 38104
fwatson@watsonburns.com
bburns@watsonburns.com

Counsel for Plaintiffs

Bradley E. Trammell

Kevin David Bernstein
Albert G. McLean
Spicer Rudstrom PLLC
119 S. Main Street, Suite 700
Memphis, TN 38103
kdb@spicerfirm.com
amclean@spicerfirm.com

Counsel for Defendant Sierra-Cedar, Inc.

Douglas F. Halijan
William David Irvine
Burch Porter & Johnson
130 N. Court Avenue
Memphis, TN 38103-2217
dhalijan@bpjlaw.com
wirvine@bpjlaw.com

*Counsel for Defendant Software AG
USA, Inc.*

Baker, Donelson, Bearman, Caldwell &
Berkowitz
165 Madison Avenue, Suite 2000
Memphis, TN 38103
btrammell@bakerdonelson.com

Beth Petronio
K&L Gates
1717 Main Street, Suite 2800
Dallas, Texas 75201
beth.petronio@klgates.com

Counsel for Tyler Technologies, Inc.

Russell Brandon Bundren
James L. Murphy
Bradley Arant Boult Cummings LLP
1600 Division Street, Suite 700
Nashville, TN 37203
bbundren@babco.com
jmurphy@bradley.com

*Counsel for Defendant Global TelLink
Corporation*

Heather Gwinn-Pabon
Erin McDaniel
Gordon Rees Scully Mansukhani, LLP
3401 Mallory Lane, Suite 120
Franklin, TN 37067
hgwinn@grsm.com

*Counsel for Defendant Sierra Systems Group,
Inc.*

/s/ Meghan M. Cox